

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Crim. No. 05-10003-NMG
)	
DEEB HOMSI,)	
)	
Defendant.)	

ASSENTED TO MOTION FOR A CONTINUANCE

The United States of America, by and through the undersigned attorneys, hereby moves for a continuance of the sentencing date¹ in this matter for a period of 180 days.

In support of this motion, the government states that the defendant pled guilty in the above-referenced case on December 16, 2005 and is currently scheduled to be sentenced on March 21, 2006. However, the defendant's plea agreement requires the defendant to cooperate with the United States. It is anticipated that the defendant will testify in the case *United States v. Arthur Gianelli, et al.*, Crim. No. 05-10003-NMG, a multi-defendant racketeering case. Currently, this matter is in the discovery stage and it is unlikely that it will be resolved within the next six months.

The plea agreement requires the government to file a substantial assistance motion if the government determines that the defendant has provided substantial assistance. Since the *Gianelli* trial has not yet occurred, the government is not presently in a position to file such a motion, and the defendant therefore is not currently in a position to benefit from that portion of his plea agreement. The government will not be in a position to determine whether it should file a substantial assistance motion until the *Gianelli* case is resolved by trial or otherwise.

¹ Although the government is moving for a continuance of the sentencing date, the government is not seeking in this motion to continue the date on which the defendant would be incarcerated pending sentencing pursuant to Title 18, United States Code, Section 3143.

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Accordingly, the government respectfully requests that the sentencing be continued for 180 days beyond the current date, so that the new sentencing date will be on or about October 5, 2006.

The defendant assents to a continuance of his sentencing for the reasons set forth above.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Michael L. Tabak

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CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of the same in an envelope bearing sufficient postage for delivery:

Roger A. Cox, Esq.
30 Main Street, Suite 9
Ashland, MA 01721-1178

This 24th day of February, 2006.

/s/ Shauna Neuhauser
Shauna Neuhauser
Legal Secretary